

NOV 22 2005

FAX TRANSMISSION**DATE:** October 5, 2005**PTO IDENTIFIER:** Application Number 10/638,234-Conf. #4108
Patent Number**Inventor:** Jacques V. Snick et al.**MESSAGE TO:** US Patent and Trademark Office and Examiner P. Mertz**FAX NUMBER:** (571) 273-8300 and (571) 1273-0876**FROM:** FULBRIGHT & JAWORSKI L.L.P.

Norman D. Hanson

PHONE: (212) 318-3168**Attorney Dkt. #:** NY-LUD 5582.1 DIV (10019655)**PAGES (Including Cover Sheet):** 4**CONTENTS:** Response to Restriction Requirement (2 pages)
Certificate of Transmission (1 page)

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PTO/SB/97 (08-04)

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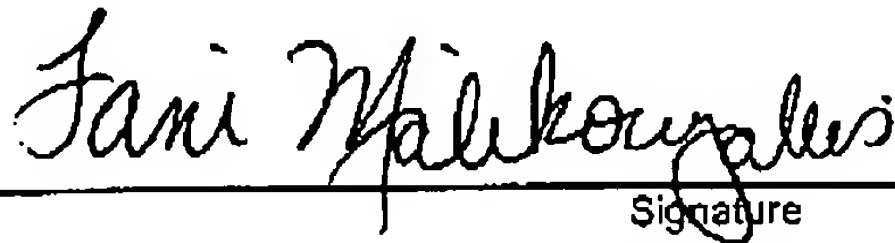
Application No. (if known): 10/638,234

Attorney Docket No.: NY-LUD 5582-US1-DIV

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Response to Restriction Requirement

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Dated: November 22, 2005 Signature: Fani Malikouzakakis
(Fani Malikouzakakis)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jacques V. Snick et al.

Application No.: 10/638,234

Confirmation No.: 4108

Filed: August 8, 2003

Art Unit: 1646

For: METHOD FOR MAKING CYTOKINE
SPECIFIC ANTIBODIES AND USES
THER EOF

Examiner: P. M. Mertz

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Responsive to the restriction requirement of October 26, 2005, applicants elect Group I, claims 44-59, methods of inhibiting IL-9 activity by administering an IL-9 (not an IL-4) conjugate.

Within this election, they elect as the species of pathological disorder:
bronchial hyperresponsiveness

They further elect, as the carrier

ovalbumin.

Claims 44-59 all read on these elections.

25599560.1

Application No.: 10/638,234

Docket No.: LUD 5582.1 DIV (10019655)

Applicants traverse the restriction. They note that a search of the claimed method will inevitably involve a search of the composition. Indeed, they note that both invention I and invention II are classified in Class 424/subclass 85.2.

They further note that consonance with the parent application calls for examination of all claims as one. In Serial No. 09/490,586, the Examiner considered both method and composition claims as one invention.

Finally, the Examiner has provided no evidence to support her conclusion as to the section, alternate use of the products, and they call for production of such evidence should the restriction be maintained.

In view of the foregoing, claims 44-59 must be examined. It is believed that claims 60-62 should be examined concurrently with claims 44-59 and an office action including all of the claims is earnestly solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. LUD 5582.1 DIV (10019655) from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Norman D. Hanson

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